

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, MAY 17, 1983

AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Cleator at 8:43 a.m. The meeting was recessed by Deputy Mayor Cleator at 8:44 a.m. to convene as the Committee of the Whole. The meeting was reconvened by Deputy Mayor Cleator at 11:18 a.m. with Council Member Mitchell not present. The meeting was recessed by Deputy Mayor Cleator at 11:20 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Cleator at 2:07 p.m. with Council Members McColl and Jones not present. The meeting was recessed by Deputy Mayor Cleator at 5:25 p.m. to convene as the Housing Authority. The meeting was reconvened by Deputy Mayor Cleator at 5:26 p.m. with Council Member Struiksma not present. Deputy Mayor Cleator adjourned the meeting at 5:29 p.m. into Closed Session in the twelfth floor conference room on pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Wilson-vacant.
 - (1) Council Member Mitchell-present.
 - (2) Council Member Cleator-present.
 - (3) Council Member McColl-present.
 - (4) Council Member Jones-present.
 - (5) Council Member Struiksma-present.
 - (6) Council Member Gotch-present.
 - (7) Council Member Murphy-present.
 - (8) Council Member Martinez-present.
- Clerk-Abdelnour (jb a.m.; bb p.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

Mayor-vacant.

Council Member Mitchell-not present.

Council Member Cleator-present.

Council Member McColl-present.

Council Member Jones- present.

Council Member Struiksma-present.

Council Member Gotch- present.

Council Member Murphy-present.
Council Member Martinez- present.

ITEM-152: (R-83-1752) ADOPTED AS RESOLUTION R-258473

Declaring that the City Council reaffirms its "no position" stance regarding Senate Bill 48 relating to new Rules 15 and 16 of the Public Utilities Commission that require all off-site reinforcement of existing utilities to be paid by the applicant, rather than by San Diego Gas and Electric, as is the current practice.

(See Memorandum of April 26, 1983 from Gerald M. Trimble.)

COMMITTEE ACTION: Reviewed by RULES on 5/2/83. Recommendation to adopt the Resolution. Districts 2, 5 and 7 voted yea. District 6 not present. Mayor - vacant.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: H546-I280).

Motion by Martinez to support Senate Bill 48. No second.

MOTION BY MURPHY TO ADOPT AND DIRECT THE INTERGOVERNMENTAL RELATIONS STAFF TO EXAMINE THE POSSIBILITIES OF EXEMPTING REDEVELOPMENT AREAS FROM PUBLIC UTILITIES COMMISSION RULES 15

AND

16. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-nay, Mayor-vacant.

ITEM-201: (R-83-1638) ADOPTED AS RESOLUTION R-258474

Map- Vacating Pickwick Street adjacent to Lots 1-10, Block 2, and Lots 30-48, Block 1, all of Broderick and West Addition, 1117, and Lot 1 of Davey Subdivision, Map-6135; "E" Street adjacent to Lot 1, Davey Subdivision, Map- 6135, and Lots 33-37, Block 2, of Broderick and West Subdivision, Map-1117; and 34th Street between State Highway 94 and the south line extended of Pickwick Street, all within or adjacent to the proposed The Dells No. 4 Subdivision (TM- 82-0346) and Parcel Map (TM-01-221) boundaries, under the procedure for the summary vacation of streets where a portion of a street or highway lies within the property under one ownership and does not continue through such ownership or end touching property of another; reserving and excepting the right, easement and privilege of placing, constructing, repairing, replacing, maintaining,

using, and operating public utilities of any kind or nature; declaring that the City reserves and excepts from vacation and abandonment, easements and rights pursuant to any existing franchise or renewals thereof; the easement reserved herein is in, under, over, upon, along, and across Pickwick Street adjacent to Lots 1-4, Block 2, of Broderick and West Addition, Map-1117; this resolution shall not become effective unless and until the final subdivision map for The Dells No. 4 Subdivision has been approved by Council action; this resolution shall not become effective unless and until a parcel map (TM-01-221) consolidating Lots 1-8, Block 2, of Broderick and West Addition, Map-1117, has been recorded; in the event either or both of the above conditions cannot be met by June 2, 1984, this resolution shall become void and be of no further effect; that the City Engineer shall advise the City Clerk of the approval of the aforementioned subdivision map.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER REPORT:

The subject streets were dedicated by subdivision and other Council actions prior to 1968. The Southeast Economic Development Corporation has initiated the vacation action, as abutting property owner, to facilitate the resubdivision and development of their property, The Dells Unit No. 4. The subject rights-of-way to be vacated are unimproved except for the westerly 250 feet of the Pickwick Street closure, which is improved with curb, paving, and sidewalk on the south side. The closures contain sewer, water, drain, telephone, and gas and electric facilities. Easements have been either reserved from the closings or granted on the subdivision map to service and maintain these facilities. Street improvements to be constructed adjacent to the proposed subdivision boundary will provide for access to the subdivision and for area traffic circulation. These improvements will be bonded for and constructed with the proposed subdivision. Staff has concluded that the

rights-

of-way to be vacated are no longer needed for present or prospective public use and can be summarily vacated, conditioned upon the Dells No. 4 Subdivision (TM-82-0346) and Parcel Map

(TM-

01-221) being approved and recorded. This action was processed in accordance with the provisions of Council Policy 600-15.

FILE LOCATION:

DEED F-1880, STRT J-2475

COUNCIL ACTION: (Tape location: I281-290).

MOTION BY McCOLL TO ADOPT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea,

Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea,
Mayor-
vacant.

ITEM-311: REPORT GIVEN

Matter of the Holiday Bowl Board of Directors Annual Report.
FILE LOCATION:
MEET

ITEM-330: CONTINUED TO JUNE 21, 1983, 2:00 P.M. TIME CERTAIN

19830517

Matters of:

a) Proposal to amend the existing University Community Plan.

b) Proposal to amend the Progress Guide and General Plan for the City of San Diego - to amend the Map concerning those portions covered by the proposed amendment to the University Community Plan.

The revised plan is to be a comprehensive guide for the development of the current University Community Plan which was adopted in 1971. The community is bounded by the southern slopes of Sorrento Valley on the north, the Atchison, Topeka and Santa Fe Railroad right-of-way and Naval Air Station Miramar on the east, San Clemente Canyon on the south and I-5, Gilman Drive, North Torrey Pines Road and the Pacific Ocean on the west.

(Districts-1 and 5.)

Subitem-A: (R-83-1773)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-81-08-10C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council, and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-81-08-10C.

Subitem-B: (R-83-1774)

Adoption of a Resolution approving the amendment to the Community Plan, to be effective when the amendment to the

General Plan Map is adopted after a hearing on or about June 28, 1983.

FILE LOCATION: LAND University Community Plan

COUNCIL ACTION: (Tape location: E111-H270).

Hearing began at 2:16 p.m. and halted at 4:37 p.m.

Testimony in opposition of the Community Plan by Norma Carey, Margo Rebar, Dennis Jones, Maria Griffin, Carol Grant, Melissa Griffin, Kay Wachberger, Elizabeth Pelling, Charles E. Craven, Judith Johnson, Earl Kline, Ed J. Treacy, Seymour Cain, Sanford Wachberger, and Lucille Green.

Testimony in favor of the Community Plan by R. H. Hamstra, John D. Thelan, Morgan Dean Oliver, Bruce Warren, George W. Lattimer, Paul Robinson, and Louis Wolfsheimer.

Motion by Mitchell to suspend the rules to extend time for testimony an additional 15 minutes. Second by Murphy. Passed. Yeas: 1,2,3,4,5,6,7,8. Vacant: M.

MOTION BY MITCHELL TO CONTINUE TO JUNE 21, 1983, 2:00 P.M. TIME CERTAIN AT HIS REQUEST. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-nay, Jones-nay, Struiksmay-nay, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-331:

19830517

Matter of:

Approval of two Development Agreements between The City of San Diego and The Baldwin Company.

Pursuant to the terms of the agreements, the Baldwin Company would comply with the North City West Public Facilities Financing Plan by providing its share of public facilities, payment or property in accordance with the Facilities Benefit Assessment section of the financing plan. The Baldwin Company would also comply with provisions of the North City West School Facilities Master Plan. The City of San Diego would assure that The Baldwin Company can proceed with the development of the subject property for a term of 20 years in accordance with existing City policies, rules and regulations and in conformance with the North City West Community Plan and precise plans. Additional provisions and exceptions are included in the draft development agreements.

The Baldwin North City West Development Agreements pertain to The Baldwin Company's property in the Carmel Valley Precise Plan and Neighborhood 4, 5 and 6 Precise Plan areas of the North City West community. One agreement is proposed for

approximately 888.46 acres of Baldwin's property located outside of the Coastal Zone and the other agreement is for approximately 100.4 acres within the Coastal Zone. The properties are located just east of I-5 and between Del Mar Heights Road on the north and Carmel Valley Road on the south. (A general legal description is as follows: Portions of Sections 17, 18, 19 and 20, Township 14 South, Range 3 West, SBBM and Parcels 1 through 4 inclusive of Parcel Map PM-11045, Parcel 2 of Parcel Map PM-8042 and Parcels 1 through 3 inclusive of Parcel Map PM-11102, each filed in the office of the San Diego County Recorder. The specific legal descriptions are on file with the Planning Department.)
(District-1.)

Subitem-A: (O-83-228) INTRODUCED, TO BE ADOPTED MAY 31, 1983

Introduction of an Ordinance approving Development Agreement
1.

Subitem-B: (O-83-229) INTRODUCED, TO BE ADOPTED MAY 31, 1983

Introduction of an Ordinance approving Development Agreement
2.

FILE LOCATION: DEVL -Baldwin North City West

COUNCIL ACTION: (Tape location: H345-545).

Hearing began at 4:43 p.m. and halted at 4:54 p.m.

Testimony in favor of approval by Greg Smith.

MOTION BY STRUIKSMA TO INTRODUCE. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-332: (O-83-223) ADOPTED AS ORDINANCE O-15973 (New Series)

Adoption of an Ordinance amending Ordinance O-15780 (New Series), as amended, entitled "An Ordinance adopting the annual budget for the Fiscal Year 1982-1983 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year" by amending Document No. 00-15780-1, as amended and adopted therein, by amending Section 2, Subsection 4 to add under Fund 18011, a new line item entitled "Local Match" - Urban Development Action Grant" in the sum of \$1,200,000; directing the total Fiscal Year 1983 Revenue Sharing budget be increased to reflect the \$1,200,000 increase in Fund 18011.

(See City Manager Report CMR-83-156.)

COMMITTEE ACTION: Reviewed by RULES on 5/2/83. Recommendation to introduce the Ordinance. Districts 2, 5 and 7 voted yea. District 6 not present.

Mayor - vacant.

CITY MANAGER REPORT:

On April 19, 1983, the City Council directed the City Manager to initiate the necessary actions to appropriate and encumber \$1,200,000 in General Revenue Sharing Funds to be committed as the local match for an Urban Development Action Grant (UDAG) application for renovation of the U.S. Grant Hotel. The introduction of this ordinance will appropriate \$1,200,000 in General Revenue Sharing Funds for this purpose. Actual expenditure of funds is contingent upon successful grant award and subsequent approval of grant terms by the City Council.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: I291-310).

Hearing began at 5:20 p.m. and halted at 5:24 p.m.

MOTION BY MARTINEZ TO DISPENSE WITH THE READING AND ADOPT.

Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-UC-2: (R-83-1866) ADOPTED AS RESOLUTION R-258475

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Council Member Bill Mitchell from the Committee of the Whole on May 17, 1983 (a.m.) for personal reasons.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: I317-325).

MOTION BY GOTCH TO ADOPT. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Cleator at 5:29 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: I326-339).

MOTION BY GOTCH TO ADJOURN IN HONOR OF THE MEMORY OF MARY N. ABDELNOUR. Second by McColl. Passed by the following vote:
Mitchell-not present, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

MOTION BY MITCHELL TO ADJOURN IN HONOR OF THE MEMORY OF DOUGLAS

YOUNG, JR. Second by Gotch. Passed by the following vote:
Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-CS-1: (R-83-1828) ADOPTED AS RESOLUTION R-258476

A Resolution adopted by the City Council in Closed Session on May 17, 1983:

Authorizing the City Manager to pay the total sum of \$20,000 in the settlement of each and every claim against the City of San Diego, its agents and employees (Superior Court Case No. 466687), John Pacheco v. City of San Diego, et al.) resulting from personal injuries to John Pacheco; that the City Auditor and Comptroller is authorized to issue one check in the amount of \$20,000, made payable to John Pacheco and his attorney, Steven R. Denton, in full settlement of the lawsuit and all claims.

FILE LOCATION:
MEET

ITEM-CS-2: (R-83-1830) ADOPTED AS RESOLUTION R-258477

A Resolution adopted by the City Council in Closed Session on May 17, 1983:

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City of San Diego, its agents and employees (Superior Court Case No. 459370), Jane Rodick v. City of San Diego, et al.) resulting from personal injuries to Jane Rodick; that the City Auditor and Comptroller is authorized to issue one check in the amount of \$40,000 made payable to Jane Rodick and her attorney John Urquhart, in full settlement of the lawsuit and all claims.

FILE LOCATION:
MEET

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MEET

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A Resolution adopted by the City Council in Closed Session on May 17, 1983:

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City of San Diego, its agents and employees (Superior Court Case No. 459370), Jane Rodick v. City of San Diego, et al.) resulting from personal injuries to Jane Rodick; that the City Auditor and Comptroller is authorized to issue one check in the amount of \$40,000 made payable to Jane Rodick and her attorney John Urquhart, in full settlement of the lawsuit and all claims.

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MEET

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MEET

ITEM-CS-2: (R-83-1830) ADOPTED AS RESOLUTION R-258477

A Resolution adopted by the City Council in Closed Session on May 17, 1983:

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City of San Diego, its agents and employees (Superior Court Case No. 459370), Jane Rodick v. City of San Diego, et al.) resulting from personal injuries to Jane Rodick; that the City Auditor and Comptroller is authorized to issue one check in the amount of \$40,000 made payable to Jane Rodick and her attorney John Urquhart, in full settlement of the lawsuit and all claims.

FILE LOCATION:

MEET